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**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

LISA S. BLACK,)	CIVIL ACTION NO. 05-0038
)	
Plaintiff,)	
)	
vs.)	DEFENDANT CNMI PUBLIC
)	SCHOOL SYSTEM (PSS)
JIM BREWER, individually and in his)	MOTION FOR TAKING OF
official capacity as Acting Principal for)	TESTIMONY BY
Hopwood Junior High School,)	CONTEMPORANEOUS
COMMONWEALTH OF THE NORTHERN)	TRANSMISSION UNDER
MARIANA ISLANDS PUBLIC SCHOOL)	Fed.R.Civ.P. 43(a)
SYSTEM, and JOHN AND/OR JANE DOE,)	
)	
Defendants.)	

Defendant, CNMI Public School System, respectfully makes this motion under Fed. R. Civ. P. 43(a) to permit the presentation of testimony by witness Joseph Connolly by contemporaneous transmission from a different location.

Mr. Connolly is currently teaching at Hyde Park Academy for Science and Mathematics in the Clark County Public School System in Las Vegas, Nevada. Mr. Connolly is a dedicated

1 teacher. Currently, Mr. Connolly teaches English and Chinese language and Culture to over 150
2 students daily. The case is expected to last about two weeks; the scheduled dates of the trial
3 including travel time from Las Vegas, Nevada to Saipan, CNMI will coincide with Mr.
4 Connolly's teaching duties.
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6 Mr. Connolly's supervisor, principal Dr. James Kuzma, has also suggested Mr. Connolly
7 testify by teleconference. Mr. Connolly's absence from his teaching duties for time required to
8 be in Saipan for the trial will cost his current school system thousands of dollars.
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10 In addition, flying out a witness will cost the CNMI Public School System thousands of dollars
11 in air fare, lodging and per diem.
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13 For the above reasons, the CNMI Public School System respectfully requests that Mr.
14 Joseph B. Connolly be allowed to testify via teleconference or other means that the court finds
15 appropriate. PSS will work with the court and Mr. Connolly to ensure there are appropriate
16 safeguards for the contemporaneous transmission.
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18 Respectfully submitted by:
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20 _____/s/
21 Heather L. Kennedy F0246
22 Karen M. Klaver F0241
23 Attorneys for the Public School System
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AFFIDAVIT OF JOSEPH B. CONNOLLY

I, Joseph B. Connolly, declare under penalty of perjury that the following information and attachments hereto are true and accurate:

1. I am more than 18 years of age and a resident of Las Vegas, Nevada.
2. I am currently employed as a teacher at Hyde Park Academy, a magnet Middle School for Science and Mathematics.
3. I am making this request to testify via teleconference to not interrupt my teaching activities.
4. The principal of my school, Dr. James Kuzma, has also requested that my testimony be taken by teleconference.
5. I have over one hundred and fifty students.
6. I also teach an "Explorations" class on Chinese language and culture every day.
7. I am the ticket taker for the boys' and girls' basket ball games.
8. I plan on taking Teaching English as Second language graduate classes which run on consecutive Saturdays that would be held on the time I am required to be in Saipan for the trial.
9. If I have to attend the trial in Saipan, my employer will have to incur the expense of hiring substitutes for my classes.
10. My principal has informed me that my leave would cost the school thousands of dollars.

1 11. I have contacted a local Kinko's store in Las, Vegas Nevada that should be able to
2 accommodate teleconferencing.

3 12. The telephone number of the Kinko's store is 702-870-7011.
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5 Signed this _____ day of _____, 2007
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9 _____
10 Joseph B. Connolly
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